

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
BETHENNY FRANKEL, *on behalf of herself and all
others similarly situated,* :
:
Plaintiff, : 22-CV-8503 (JMF)
:
-----X
-v-
:
TIKTOK, INC., :
:
Defendant. :
:
-----X

JESSE M. FURMAN, United States District Judge:

On December 22, 2022, Defendant filed a motion to compel arbitration, and for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure. Under Rule 15(a)(2), a plaintiff may amend a complaint with the court's leave, which should be freely given when justice so requires.

It is hereby ORDERED that Plaintiff is granted leave to amend and shall file any amended complaint by **January 20, 2023**. Pursuant to Paragraph 1.B. of the Court's Individual Rules and Practices in Civil Cases, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>, any amended complaint should be filed with a redline showing all differences between the original and revised filing. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion; or (3) file a letter on ECF stating that it relies on the previously filed motion. If Defendant files an answer or a new motion, the Court will deny the previously filed motion as moot. If Defendant files a new motion, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion by **January 20, 2023**. Defendant's reply, if any, shall be filed by **January 27, 2023**.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for **January 10, 2023**, is adjourned *sine die*.

SO ORDERED.

Dated: December 27, 2022
New York, New York



JESSE M. FURMAN
United States District Judge